

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 4 2003

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| IN RE: |) | |
| |) | |
| APPLICATION OF MAXCESS, INC FOR |) | DOCKET NO. |
| CERTIFICATE OF CONVENIENCE AND |) | 00-00744 |
| NECESSITY TO PROVIDE COMPETING |) | |
| LOCAL EXCHANGE AND INTEREXCHANGE |) | Company ID: 128634 |
| TELECOMMUNICATIONS SERVICES |) | |

**ORDER GRANTING CANCELLATION OF AUTHORITY
TO PROVIDE TELECOMMUNICATIONS SERVICES**

This matter came before Chairman Deborah Taylor Tate, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "TRA" or "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on September 8, 2003, upon the request of Maxcess, Inc. (the "Company") to cancel its authority to provide telecommunications services in Tennessee.

The Company originally filed its Application for a Certificate on August 22, 2000. During a Hearing held on December 14, 2000, the Hearing Officer found that the Company had met all the requirements for certification and the requirements of Tenn. Comp. R. & Regs. 1220-4-2-.57, which was promulgated pursuant to, *inter alia*, Tenn. Code Ann. § 65-2-102 and Tenn. Code Ann. § 65-4-201, and approved the Application. On July 11, 2003 a notice was sent via certified mail advising the Company of its


obligations pursuant to Tenn. Code Ann. § 65-4-125 (j).¹ The Company responded by requesting the TRA cancel its authority.


Based upon careful consideration of the entire record of this matter, the panel voted unanimously to grant the Company's request to cancel its authority.

IT IS THEREFORE ORDERED THAT

The request of Maxcess, Inc. to cancel its Certificate of Public Convenience and Necessity as a Competing Telecommunications Service Provider in Tennessee is granted, and this docket is closed.


Deborah Taylor Tate, Chairman


Sara Kyle, Director


Ron Jones, Director

¹ Tenn. Code Ann. § 65-4-125(j) provides:

By September 1, 2000, all telecommunications service providers subject to the control and jurisdiction of the authority, except those owners or operators of public telephone service who pay annual inspection and supervision fees pursuant to § 65-4-301(b), or any telecommunications service provider that owns and operates equipment facilities in Tennessee with a value of more than five million dollars (\$5,000,000), shall file with the authority a corporate surety bond or irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000) to secure the payment of any monetary sanction imposed in any enforcement proceeding, brought under this title or the Consumer Telemarketing Protection Act of 1990, compiled in title 47, chapter 18, part 15, by or on behalf of the authority.